



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,894	11/13/2001	Jurgen Bussert	071308.0249	1763

7590 04/05/2005

Andreas Grubert
Baker Botts L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, TX 77002-4995

EXAMINER

STORK, KYLE R

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,894

Applicant(s)

BUSSERT ET AL.

Examiner

Kyle R Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed 4 February 2005.
2. Claims 1 and 4-5 are pending. Claims 2-3 and 6-12 have been cancelled. Claim 1 is an independent claim. The rejection of claims 1 and 4-5 under 35 U.S.C 102(e) have been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alam et al. (US 6336124, filed 1999, hereafter Alam) in further view of AutoCAD Release 12 (Release 12 June 1992, hereafter AutoCAD).

5. As per independent claim 1, Alam discloses a device for converting data from a proprietary format in an automation project or component to a format defined by a standard meta format, comprising:

- A conversion apparatus (Figure 5; column 2, lines 12-14)
- For converting the proprietary format data into a defined standardized meta data format (Figure 5; column 2, lines 1-11 and lines 28-26; applicant's remarks, page 5, paragraph 2: Here, Microsoft® Word, Word Perfect™, Autocad™, and Microsoft® PowerPoint are all proprietary formats that can be converted into a

standardized meta data format such as XML (admitted by the applicant to be a standardized meta data format))

- Means for providing the standardized meta data format for further processing (column 2, lines 1-12 and lines 28-36: Here, several document formats, including XML, HTML are able to be processed)

Alam fails to specifically disclose the device further comprising an export/import apparatus. AutoCAD discloses an export/import apparatus (page 4, paragraphs 4-5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alam's device for conversion with AutoCAD's device for export/import, since it would have allowed a user to import files of one type and export them as another type.

As per dependent claim 4, Alam and AutoCAD the limitations similar to those in claim 1, and the same rejection is incorporated herein. Alam further discloses the device further comprising a data storage apparatus for storing the data with a defined format (Figure 2, item 155; column 2, lines 63-67).

As per dependent claim 5, Alam and AutoCAD the limitations similar to those in claim 1, and the same rejection is incorporated herein. Alam further discloses an engineering system comprising the device according to claim 1 (Figure 5; column 2, lines 1-14 and lines 28-36).

Response to Arguments

Art Unit: 2178

6. Applicant's arguments with respect to claims 1 and 4-5 have been considered but are moot in view of the new ground(s) of rejection.

The AutoCAD reference has been added to the Alam reference in order to meet the new claim limitations of claim 1, which subsequently add limitations to claims 4 and 5. Further, the applicant's argument that the combination of Alam and AutoCAD does not yield the applicant's claimed embodiment of the invention is not persuasive.

Although AutoCAD may be directed toward import/export of "drawings," this is still a data format. Further, AutoCAD is able to import and export PostScript files, thus allowing it to import and export data in different formats, as claimed by the applicant.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "NPS Metadata Tools": Discloses metadata format information.
- Heery, "Review of Metadata Formats": Discloses a metadata format information
- "IPNet Solutions Announces XML Products": Discloses import/export of XML data.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/056,894

Page 6

Art Unit: 2178

Kyle Stork
Patent Examiner
Art Unit 2178

KRS

A handwritten signature in black ink, appearing to read "Cesar Paula". The signature is written in a cursive, flowing style.

**CESAR PAULA
PRIMARY EXAMINER**